

Lambda Letters Project

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Timely LGBTI Tax Tips

By Boyce Hinman, Chief Lobbyist

AB 205 was passed in 2003 and became effective on January 1, 2005. This bill gave registered domestic partners many of the rights, duties, and obligations of marriage in California. At least a dozen other bills giving rights and duties to domestic partners have been passed by the state legislature since 2000. None of these bills affects the rights and duties of domestic partners under federal law, however.

One key omission from all these bills has to do with state income taxes. AB 205 grants many rights to domestic partners but it specifically denies domestic partners the right to file joint income tax returns. It is still necessary to file separate state returns. The same rule applies to federal income tax returns.

As the result of the laws passed in California, most state and local government employees may now enroll their registered domestic partner on their employer-provided health plan. An increasing number of private employers allow this as well.

But there are tax consequences to this. The federal government considers the value of health insurance for the domestic partner of the employee to be income for the employee. Thus the value of this insurance must be considered when determining the federal income tax owed by the employee. The feds do not tax the value of insurance offered to an employee's spouse. On the other hand, California legislation has eliminated any state income tax on the value of health insurance when it is offered to the domestic partner of an employee.

Recently an appeals officer of the IRS ruled that sex-reassignment surgery can be medically necessary for transgender people. When this is demonstrated with proper documentation, the cost of surgery can be a legitimate medical deduction for federal income tax purposes. We checked with the California Franchise Tax Board and were told that any medical deduction acceptable to the IRS is acceptable to the Franchise Tax Board. So postoperative transsexuals may be able to take a tax deduction for the cost of the surgery on both their state and federal income tax returns.

All tax law is complex, however, so we strongly urge you to consult with a qualified tax consultant before you act on any of these specific issues. April 15 is looming. ☐

March Legislative Update

February 22 was the last day on which bills could be introduced in the state legislature this year. Except in unusual circumstances, no more bills can be introduced this year. So now the real legislative process begins. Here is a list of the bills we are tracking at this time.

HIV/AIDS Issues

AB 73 (Dario Frommer, D-Los Angeles)

Purpose: To establish the California Rx Prescription Drug Web Site Program, which would provide information to California residents about options for obtaining prescription drugs at affordable prices. This bill would require the Web site, at a minimum, to provide information about—and establish electronic links to—certain federal, state, and pharmaceutical programs, and pharmacies that are located in Canada, England, and Ireland that meet specified requirements.

Status: Referred first to Assembly Health Committee and then to Assembly Business and Professions Committee. No hearing date set yet. **LLP Position:** Support.

AB 95 (Paul Koretz, D-West Hollywood)

Purpose: To require manufacturers of drugs for life-threatening chronic conditions that are on the list for Medi-Cal or the AIDS Drugs Assistance Program to pay the state a rebate equal to the costs of marketing that drug. The bill also would require these manufacturers to disclose to the state all costs incurred in the marketing of the drugs to consumers and physicians.

Status: Referred to Assembly Health Committee. No hearing date set yet. **LLP Position:** Support.

Continued on page 5

Lambda Letters Progress Report

Letters and Messages Collected

January, 2005	41,074 letters & e-mails
In all of 2004	364,795 letters & e-mails

Dollars Spent

January, 2005	\$4,973
In all of 2004	\$46,147

Can You Help?

Please support the very important work of the Lambda Letters Project with your contributions.

Lambda Letters Project

Our Mission

To promote the social, economic, and human rights of lesbian, gay, bisexual, transgender and intersex individuals, couples, and families; people affected by HIV/AIDS; people of color; and women. We do this by urging elected officials to enact and support legislation that accomplishes this goal.

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We do, occasionally, send mailings on behalf of other worthwhile organizations, but this is done by our own volunteers so that no other organization has the opportunity to copy our mailing lists.

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 page ad \$100. Deadline for payment and camera-ready copy, along
 with your name and phone number, is the 25th of each month.

Discrimination Complaints

Have you experienced employment discrimination because of your actual or perceived sexual orientation or because of your age (40 and over), ancestry, color, creed, disability, marital status, medical condition, national origin, race, religion, or sex? Have you been denied family and medical care leave or pregnancy disability leave?

If so, you may register a complaint with the Department of Fair Employment and Housing. In cases of employment discrimination, call the department at (800) 884-1684. In cases of housing discrimination, call (800) 233-3212. The person answering the phone will schedule an appointment for you at the Department of Fair Employment and Housing Office which is closest to your home or place of employment.

Protect Access to Birth Control, Plan B

By Kathleen Watanabe, Legislative Analyst

Imagine for a moment being a woman. You have just been brutally attacked and raped. Aside from the fear and pain that you have just experienced you must now go through the humiliation of being examined at a hospital and having "evidence" removed from your body while being asked a barrage of questions from a police officer. To add insult to injury, the perpetrator has now put you in the position of becoming pregnant. To prevent this indignation from occurring, the emergency-room doctor hands you a prescription for Plan B (Levonorgestrel), an emergency contraceptive. You take the prescription to your neighborhood pharmacy but the pharmacist coldly looks you in the eye and tells you that he will not fill it because it would violate his religious beliefs. He will also not refer you to another pharmacy. He may even confiscate your prescription.

You have just been raped for a second time. To many people in California the above scenario may seem implausible, but it is happening with increasing frequency. Pharmacists are refusing to fill prescriptions for emergency contraceptive drugs as well as ordinary birth-control pills.

Astoundingly, it is perfectly legal in California for them to refuse to fill these prescriptions.

Some people may argue that the pharmacist should not be required to perform any service that goes against his conscience. The problem with this argument is that the customer depends upon the services of a reliable professional. In the case of unprotected intercourse, whether through physical assault or accident, time is of the essence. Emergency contraception must be administered within 72 hours. Each passing hour reduces its effectiveness.

The situation may become dire if the woman lives in a rural area where there may not be an open and willing pharmacy for many miles. It may be impossible for a poor woman who may not have the means to travel to another pharmacy. As more and more pharmacists begin to exercise their personal beliefs, it may be difficult to find a local pharmacist who may be willing to fill a perfectly legal prescription.

To stop this growing problem, Assemblymember Lloyd Levine (D-Van Nuys) has introduced AB 21, which would prohibit pharmacists from refusing to dispense a contraceptive or emergency contraceptive when presented with a prescription.

Pharmacists are trained medical professionals and should be required to provide all essential services to their customers. All valid prescriptions that are legally obtained should be honored. In addition, the pharmaceutical industry


Bush Threatens AIDS Funding

By Boyce Hinman, Chief Lobbyist

Federal Medicaid spending in California is a \$19 billion annual enterprise. It is the single largest chunk of federal money that the state receives. This money finances medical care for the poor and uninsured. Medicaid is the huge national insurance plan for the poor that in California is known as Medi-Cal. The medical care of many people with AIDS is paid for by Medi-Cal.

Now President Bush wants to cut the Medicaid funds sent to California by about 10%. This could result in a devastating blow to Medi-Cal. People with AIDS would be among several important groups that would suffer greatly if Bush succeeds in cutting these funds. Many other states have already put forward drastic cuts in their programs. Serious cuts would become necessary in California's Medi-Cal program as well.

According to the latest data available (December 2003) 34,499 people with AIDS have their medical bills paid by Medi-Cal. Because advances in the field of AIDS medicine are allowing people to live longer, the numbers keep increasing. Medi-Cal makes it possible for individuals to access primary healthcare, new combination therapies, and other medical services vital to their health and quality of life. We cannot let President Bush take this vital support away from people with AIDS.

Please write to your member of the House of Representatives. Urge her or him to reject the drastic cuts to Medicaid proposed by the president. 

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is heavily regulated. Customers can only obtain drugs through a state licensed pharmacist. Refusing to sell birth-control pills and emergency contraceptives is an affront to women.

AB 21 has been referred to the Assembly Committee on Health. Please write to the members of the committee and urge them to support this important bill. 

Our Families Have Problems Too

By Shirin Buckman, Legislative Analyst

AB 220, introduced by Assemblymember Mark Leno (D-San Francisco), amends the California Family Code, the California Penal Code, and the California Code of Civil Procedure to replace the phrase "battered woman syndrome" with "intimate partner battering." Amending these codes with the latter phrase will include the experience of abused men and other currently unclassified individuals as considerations in sentencing and parole. Please write to the Assembly Committee on Public Safety and urge them to support this bill.

What has been called Battered Woman's Syndrome is a condition brought about by routine violent abuse experienced over an extended period of time. This cycle of violent abuse leads the victim to feel responsible for the violence and blame himself or herself for it. As a result, the victim finds it progressively harder to leave the abuser. Sometimes this condition forces victims to kill their abuser. Currently, evidence of Battered Woman's Syndrome is considered as a mitigating circumstance in sentencing trials and by the Board of Prison Terms at parole hearings. Changing the language of these codes hopefully will lead courts to consider mitigating circumstances when men—including gay, bisexual, or transgender men—are the victims.

According to a 1998 study by the National Coalition of Anti-Violence Programs, 57% of the domestic abuse cases reported in Los Angeles, San Francisco, and San Diego involved gay men. According to the Criminal Justice Statistics Center of the Department of Justice, 20% of Californians killed by domestic violence in 2002 were heterosexual men.

AB 220 amends the current criminal code to recognize that men can be victims of domestic violence too. The change in terminology will allow courts to consider evidence of abuse in decreasing sentences for abused males. It will also help the victims of domestic abuse, and all those who deal with it, to understand that domestic abuse is not just male on female. That should do much to help prevent and deal with the problem.

In its report, the Criminal Justice Center of the Department of Justice says that 153 murders were committed by intimate partners. AB 220 ensures that all individuals exposed to a brutal cycle of violence, both women and men, are protected by the law.

Please write to the members of the Assembly Committee on Public Safety. Request that all people who suffer mistreatment by an intimate partner are allowed sufficient legal protections. ✉

Support Adequate Services for Poor Immigrants

By Boyce Hinman, Chief Lobbyist

During the Vietnam war, many Hmong from Laos fought on our side. When the war ended, the Communists took over Vietnam and Laos. After the takeover, the Hmong faced retribution for helping the US. For their own safety, the Hmong fled to refugee camps in Thailand. For the last 20 years, most of them have lived in horrible conditions in those camps. Thailand doesn't really want them, but they have had nowhere else to go. Recently the US granted refugee status to approximately 16,000 Hmong, which has allowed many of them to come to this country.

However, there is a problem.

Federal Refugee Employment Services funds are allocated to states on the basis of the proportion of refugees that each state receives. The current grant amount to California is slightly over \$9 million. The state grants \$7 million of that total to counties. The state's formula for giving money to counties is based on the number of refugees on cash assistance, such as general assistance, refugee cash assistance, and Cal-Works. The money going to counties is not based on the number of refugees in the county, just on the number of refugees in the county who are on public assistance.

The formula that California uses results in some counties getting a much smaller proportion of funds, even though they receive a large share of refugees. For example, during the last three years, Sacramento County has received about 30 percent of the refugees but only about 20 percent of the funds. Many of the arriving Hmong refugees have settled in Sacramento County. Fresno County is another county that has received large numbers of Hmong refugees, yet proportionately less federal money is granted to that county by the state.

The problem with this arrangement is that counties with large refugee populations often cannot afford to provide the services that those refugees need. And they don't have the money to do adequate outreach to refugees to sign poor refugees up for public assistance. That prevents these counties from qualifying for additional refugee funds under the state's current formula for disbursing funds to counties.

SB 112 would correct this problem. It would require the state to divide the federal funds for refugees in accordance with the numbers of refugees in each county. This is an obvious solution to the problem.

Please write to the Senate Human Services Committee. Urge them to approve SB 112. ✉

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March 15, 2005

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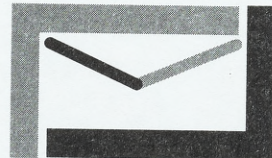
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Our Families Have Problems Too

By Shirin Buckman, Legislative Analyst

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Support Adequate Services for Poor Immigrants

name

address

city, state, zip

March 15, 2005

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March 15, 2005

The Hon Dave Jones.
The California State Legislature
Sacramento, CA 95814

Dear Assembly Member Jones:

I would like to call your attention to a serious problem that is on the rise in California. An increasing number of pharmacists are refusing to fill women's prescriptions for contraceptives and emergency contraceptives. These pharmacists claim that filling the prescription violates their religious beliefs. Furthermore, in many cases these pharmacists will not refer customers to a pharmacist who will fill the prescription.

This is a very serious problem, particularly if the woman needs an emergency contraceptive drug because the birth-control device fails or, worse yet, she is raped. In these situations, time is of the essence. Emergency contraception must be administered within 72 hours. The situation may become dire if the woman lives in a rural area where there may not be an open and willing pharmacy for many miles. It may be impossible for a poor woman, who may not have the means to travel to another pharmacy. It would be the ultimate insult for a woman to become pregnant from a rape, particularly if emergency contraception could have prevented it.

To stop this growing problem, Assemblymember Lloyd Levine has introduced AB 21, which would prohibit pharmacists from refusing to dispense a contraceptive or emergency contraceptive when presented with a prescription.

I strongly urge you to support this important bill. The public is dependent on the services of reliable professionals. Pharmacists are trained medical professionals and must provide essential services to their customers for the public good. The only way that the public can obtain drugs is through a state licensed pharmacist. Refusing to sell birth-control pills and emergency contraceptives is not only life-threatening, it is an affront to women. I would appreciate your support.

Sincerely,

Our Families Have Problems Too

By the Honorable Lloyd F. Jones

March 12, 1987

Dear Assembly Member Jones:

I would like to call your attention to a serious problem that is on the rise in California. An increasing number of pharmacists are refusing to fill women's prescriptions for emergency and emergency contraceptives. These pharmacists claim that filling the prescription violates their religious beliefs. Furthermore, in many cases these pharmacists will not refer customers to a pharmacist who will fill the prescription.

This is a very serious problem, particularly if the woman needs an emergency contraceptive because the birth-control device fails or, worse yet, she is raped. In these situations, time is of the essence. Emergency contraception must be administered within 72 hours. The situation may become dire if the woman lives in a rural area where there may not be an open and willing pharmacy for many miles. It may be impossible for a poor woman, who may not have the means to travel to another pharmacy. It would be the ultimate insult for a woman to become pregnant from a rape, particularly if emergency contraception could have prevented it.

To stop this growing problem, Assemblymember Lloyd F. Jones has introduced AB 31, which would prohibit pharmacists from refusing to dispense a contraceptive or emergency contraceptive when presented with a prescription.

I strongly urge you to support this important bill. The public is dependent on the services of reliable professionals. Pharmacists are trained medical professionals and must provide emergency services to their customers for the public's good. The only way that the public can obtain through a state licensed pharmacist. Refusing to fill birth-control pills and emergency contraceptives is not only life-threatening; it is an affront to women. I would appreciate your support.

Sincerely,

The Hon. Dave Jones
The California State Legislature
Sacramento, CA 95814

Dear Assembly Member Jones:

61122 CA, Regd. Mail

name

address

city, state, zip

March 15, 2005

The Hon. Robert Matsui
The US House of Representatives
Washington, DC 20515

Dear Representative Matsui:

Please do not to cut Medicaid funding or make any changes in the program's structure that would alter the open-ended financing for states. Please do not to change this entitlement program to a block grant program with funding caps.

Medicaid is the largest source of federal financing for HIV/AIDS care in the United States. The program provides access to healthcare for 55% of all people living with HIV/AIDS, and 90% of all children living with AIDS. It plays a critical role in providing access to anti-HIV drugs that forestall illness and disability. These drugs allow people to live longer, more productive lives. Medicare and the Ryan White CARE Act are also important programs that help people with HIV/AIDS. However, they do not have the resources to respond to unmet needs if changes made to Medicaid result in fewer people qualifying for coverage, or if states are forced to restrict services. Any cuts or changes in Medicaid's financing structure will seriously jeopardize access to HIV/AIDS care in the United States.

I am firmly opposed to making the Medicaid program a block grant program or to capping Medicaid federal funding. The individual entitlement provided under Medicaid is essential. The reliable, consistent federal funding stream allows the program to respond to increases in demand as more people with AIDS are identified. Furthermore, the current system supports access to more effective, less toxic anti-HIV therapies as they are developed.

Please maintain at least the current Medicaid funding levels and please retain it as an entitlement program.

Sincerely,

name

address

city, state, zip

March 15, 2002

The Hon. Robert Matsui
The US House of Representatives
Washington, DC 20515

Dear Representative Matsui:

Please do not to cut Medicaid funding or make any changes in the program's structure that would alter the open-ended financing for states. Please do not to change this entitlement program to a block grant program with funding caps.

Medicaid is the largest source of federal financing for HIV/AIDS care in the United States. The program provides access to healthcare for 25% of all people living with HIV/AIDS, and 90% of all children living with AIDS. It plays a critical role in providing access to anti-HIV drugs that forestall illness and disability. These drugs allow people to live longer, more productive lives. Medicare and the Ryan White CARE Act are also important programs that help people with HIV/AIDS. However, they do not have the resources to respond to urgent needs if changes made to Medicaid result in fewer people qualifying for coverage, or if states are forced to restrict services. Any cuts or changes in Medicaid's financing structure will seriously jeopardize access to HIV/AIDS care in the United States.

I am firmly opposed to making the Medicaid program a block grant program or to capping Medicaid federal funding. The individual entitlement provided under Medicaid is essential. The reliable, consistent federal funding stream allows the program to respond to increases in demand as more people with AIDS are identified. Furthermore, the current system supports access to more effective, less toxic anti-HIV therapies as they are developed.

Please maintain at least the current Medicaid funding levels and please retain it as an entitlement program.
Sincerely,

name

address

city, state, zip

March 15, 2005

The Hon. Mark Leno
The California State Legislature
Sacramento, CA 95814

Dear Assembly Member Leno:

Please support AB 220 when it comes before you in the Public Safety Committee. AB 220 amends the California Family Code, the California Penal Code and the California Code of Civil Procedure to replace the phrase "battered woman's syndrome" with the phrase "intimate partner battering." Amending these codes with the latter phrase will include abused men when considering sentencing and parole.

Battered Woman's Syndrome is a condition brought about by routine violent abuse experienced over an extended period of time. This cycle of abuse leads to the victim's feeling responsible for the violence. As a result, the victim finds it progressively harder to leave the abuser. Sometimes this condition forces the victims to kill their abusers. Currently evidence of Battered Woman's Syndrome is considered a mitigating circumstance in sentencing trials and by the Board of Prison Terms at parole hearings.

According to a 1998 study by the National Coalition of Anti-Violence Programs, 57% of domestic abuse cases reported in Los Angeles, San Francisco, and San Diego involved gay men. Additionally, according to the Criminal Justice Statistics Center of the Department of Justice, 20% of Californians killed by domestic violence in 2002 were heterosexual men. AB 220 amends current law to recognize that both sexes may be victims of domestic violence. The change in terminology will allow the criminal justice system to consider evidence of abuse in decreasing sentences for abused males.

Please vote for AB 220 when it comes before you in Committee. By voting for this bill, you can ensure that all people who suffer mistreatment by an intimate partner have sufficient legal protections.

Thank you.

Thank you.

sufficient legal protections.

Please vote for AB 320 when it comes before you in Committee. By voting for this bill, you can ensure that all people who suffer mistreatment by an intimate partner have

system to consider evidence of abuse in determining sentence for abused males.

victims of domestic violence. The change in terminology will allow the criminal justice

Department of Justice, 30% of Californians killed by domestic violence in 2002 were

gay men. Additionally, according to the Criminal Justice Statistics Center of the

domestic abuse cases reported in Los Angeles, San Francisco, and San Diego involved

According to a 1998 study by the National Coalition of Anti-Violence Programs, 27% of

circumstance in sentencing trials and by the Board of Prison Terms at parole hearings

Currently evidence of Battered Woman's Syndrome is considered a mitigating

leave the abuser. Sometimes this condition forces the victim to kill their abuser.

leading responsible for the violence. As a result, the victim finds it progressively harder to

experienced over an extended period of time. This cycle of abuse leads to the victim's

Battered Woman's Syndrome is a condition brought about by routine violent abuse

include abused men when considering sentencing and parole.

phrase "intimate partner battering." Amending these codes with the latter phrase will

Code of Civil Procedure to replace the phrase "battered woman's syndrome" with the

320 amends the California Family Code, the California Penal Code and the California

Please support AB 320 when it comes before you in the Public Safety Committee. AB

The Honorable Liane
The California State Legislature
Sacramento, CA 95814

Dear Assembly Member Liane:

March 15, 2002

Legislative Update

Continued from page 1

name

address

city, state, zip

The Hon. Wesley Chesbro
The California State Legislature
Sacramento, CA 95814

Dear Senator Chesbro:

I urge you to vote for SB 112 when it comes before you in the Senate Human Services Committee. This bill would mandate a more rational way of distributing Federal Refugee Employment Services funds to the counties in California. The purpose of these funds is to provide needed assistance to refugees from other countries as they adjust to life in this country.

The federal government uses a very rational process for dividing these funds among the states: It divides the money according to the proportion of the refugees in each state. Those with more refugees get more money. However, the state uses a different process. Money going to counties is not based on the number of refugees in the county, just on the number of refugees in the county who are on public assistance.

The formula that the state uses results in some counties getting a much smaller proportion of funds even though they receive a larger share of refugees. For example, during the last three years, Sacramento County has received about 30% of the Hmong refugees arriving in California, but only about 20% of the funds. Fresno is another county that has received large numbers of refugees but proportionately fewer federal dollars.

This means that counties with large refugee populations often cannot afford to provide the services that those refugees need. They don't have the money to do adequate outreach to refugees to sign them up for public assistance. This prevents these counties from qualifying for additional refugee funds under the state's current formula for disbursing funds to the counties.

SB 112 would correct this problem. It would require the state to divide the federal funds for refugees in accordance with the numbers of refugees in each county. This is an obvious solution to the problem. Please vote for SB 112.

Sincerely,

March 15, 2005

March 12, 2002

The Hon. Wesley Chesbro
The California State Legislature
Sacramento, CA 95814

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Sincerely,

Legislative Update

Continued from page 1

AB 228 (Paul Koretz, D—West Hollywood)

Purpose: To prohibit a healthcare service plan and a health insurer from denying coverage for the costs of organ or tissue transplantation services on the basis that the enrollee, subscriber, insured, or policyholder is infected with HIV if that person is deemed an acceptable transplant candidate by the person's physicians.

Status: Introduced. **LLP Position:** Support.

LGBTI Issues

AB ?? (Leland Yee, D—San Francisco)

Purpose: Current law has a form statement that candidates for political office may sign on a voluntary basis. It is a pledge to engage in a fair and clean campaign. This bill would amend the pledge to include a statement that the candidate will not use, or permit to be used, any appeal to negative prejudice based on sexual orientation or gender identity.

Status: Not yet introduced.

LLP Position: Support if the bill introduced includes the above language.

AB 12 (Chuck Devore, R—Irvine)

Purpose: To provide that real property (such as a home) may be transferred to a beneficiary upon the death of the owner by recording, prior to the owner's death, a beneficiary deed signed by the owner of the property interest designating a beneficiary. Property transferred this way would not have to go through the long, expensive probate process.

Status: Referred to Assembly Judiciary Committee. Will be heard on February 22.

LLP Position: Support if amended. This bill could benefit domestic partners who choose not to register with the state. But the law should require that notice of the gift be given to the beneficiary when the document is completed. Also the bill should state that the gift can be refused.

AB 19 (Mark Leno, D—San Francisco)

Purpose: To allow same-sex couples to obtain marriage licenses in California and to establish that no clergy or religious organization can be required to solemnize any marriage to which they have a religious objection.

Status: Referred to the Assembly Judiciary Committee. No hearing date set yet. **LLP Position:** Support.

AB 195 (Mervyn Dymally, D—Compton)

Purpose: When the State Personnel Board finds that a public employee (or an applicant for public employment) has been discriminated against by his or her employer in ways that are forbidden by state law, it may order that the employee be hired, reinstated, or upgraded with or without back pay and compensatory damages.

Discrimination on the basis of sexual orientation or gender identity are among the prohibited forms of discrimination. This bill would also permit the State Personnel Board to award attorneys fees to the complainant.

Status: Referred to Assembly Judiciary Committee. No hearing date set yet. **LLP Position:** Support.

AB 220 (Mark Leno, D—San Francisco, Chair, Committee on Public Domestic Violence)

Purpose: To amend several codes' sections that refer to battered woman syndrome and change those references to intimate partner battering. Would thus help members of LGBTI couples who are subject to this battering. **Status:** Introduced. **LLP Position:** Support.

ACA 3 (Ray Haynes, R—Temecula)

Purpose: To amend the state constitution to ban same-sex marriage permanently in California and to take away the benefits that domestic partners have obtained over the past few years. This bill would also prohibit the granting of marriage-like benefits to them in the future.

Status: Introduced. May be referred to the Assembly Judiciary Committee. **LLP Position:** Oppose.

SCA 1 (Bill Morrow, R—San Juan Capistrano)

Purpose: To amend the state constitution to ban same-sex marriage permanently in California and to take away the benefits that domestic partners have obtained over the past few years. This bill would also prohibit the granting of marriage-like benefits to them in the future.

Status: Referred to the Senate Judiciary Committee. Then to Senate Elections Committee. No hearing date set yet.

LLP Position: Oppose.

People of Color Issues

AB 13 (Jackie Goldberg, D—Los Angeles)

Purpose: To prohibit, with certain exceptions, public schools from using the name "Redskins" as a school or team mascot, name, or nickname.

Status: Referred to the Assembly Education Committee. Will be heard on February 23. **LLP Position:** Support.

AB 15 (Jerome Horton, D—Inglewood)

Purpose: To encourage schools to include a discussion of the contributions of Filipinos to the war effort during World War II.

Status: Referred to the Assembly Education Committee. No hearing date set yet. **LLP Position:** Support.

AB 22 (Sally Lieber, D—San Jose)

Purpose: To establish the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, both punishable as felonies. This bill would also require restitution to trafficking victims, and would require the development of a training program for peace officers on the subject of human trafficking. It would also require the Victim's Compensation and Government Claims Board to oversee local shelters for human trafficking victims. It would also require the Attorney General to make fighting human trafficking a high priority.

Status: Referred to the Assembly Public Safety Committee. No hearing date set yet. **LLP Position:** Support.

AB 41 (Leland Yee, D—San Francisco)

Purpose: To establish the crime of trafficking of a person for forced labor or services and the crime of trafficking of a minor for sexual servitude, both punishable as felonies. This bill would also require restitution to trafficking victims.

Status: Referred to the Assembly Public Safety Committee. No hearing date set yet. **LLP Position:** Support.

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Legislative Update

Continued from page 5

AB 74 (Mike Gordon, D—El Segundo)

Purpose: To establish the California Rx Prescription Telephone Drug Hotline, which would provide information to consumers and health care providers about options for obtaining prescription drugs at affordable prices. People would call a low-cost (maximum 50 cents) toll phone number.

Status: Referred first to the Assembly Health Committee then the Assembly Business and Professions Committee. No hearing date set yet.

LLP Position: Support if amended to make the hotline available through a toll-free number.

AB 75 (Dario Frommer, D—Los Angeles)

Purpose: To establish the California Rx Plus State Pharmacy Assistance Program, which would provide low-cost drugs to low-income Californians. This bill would authorize the state to negotiate drug rebate agreements with drug manufacturers to provide for program drug discounts. Would authorize any licensed pharmacy or drug manufacturer to provide services under the program.

Status: Referred to Assembly Health Committee and then the Assembly Business and Professions Committee. No hearing date set yet. **LLP Position:** Watch while we resolve concerns about rebates.

AB 76 (Dario Frommer, D—Los Angeles)

Purpose: To establish the Office of Pharmaceutical Purchasing within the California Health and Human Services Agency with authority and duties to purchase prescription drugs for state agencies. This bill would authorize the office to negotiate the lowest prices possible for prescription drugs.

Status: Referred to the Assembly Health Committee then the Assembly Business and Professions Committee. No hearing date set yet.

LLP Position: Watch over concerns whether this is the most efficient

way to reduce costs and also assure that all necessary medications are available to patients.

AB 77 (Dario Frommer, D—Los Angeles)

Purpose: To establish a pilot project requiring the Department of Corrections to contract with outside agencies to provide healthcare services, including medications, to prison inmates. The purpose of the pilot project would be to see if it would reduce the department's costs.

Status: Referred to the Assembly Public Safety Committee then the Assembly Health Committee. No hearing date set yet. **LLP Position:** Support.

AB 79 (Ronald Calderon, D—Montebello)

Purpose: To enact laws to achieve statewide uniformity in lending.

Status: Introduced. **LLP Position:** Watch.

AB 117 (Rebecca Cohn, D—Campbell)

Purpose: Currently there are eight regional centers for approving treatment authorization requests (TARs) for people on Medi-Cal. The centers do not have standardized criteria for approvals of requests. This bill would create one central office for approving TARs.

Status: Referred to Assembly Health Committee. Will be heard on March 8.

LLP Position: Watch. It would be bad if the bill resulted in a reduction in the number of staff reviewing TARs.

AB 119 (Rebecca Cohn, D—Campbell)

Purpose: Currently there is a six-month backlog in the approval of doctors for permission to provide reimbursable service to Medi-Cal patients. This bill would allow automatic approval of doctors (without lengthy review) if they submit a Medi-Cal application along with evidence that they are in good standing with Medicare, and hold a current, unrevoked, unsuspended license as a physician and surgeon issued by the Medical Board of California or the Osteopathic Medical Board of California, and do not have any adverse entry in the Healthcare Integrity and Protection Databank.

Status: Referred to Assembly Health Committee. Will be heard on March 8. **LLP Position:** Support.

AB 122 (Todd Spitzer, R—Orange)

Purpose: To require all child daycare facilities not subject to existing liability insurance or bond requirements to maintain sufficient liability insurance or a bond to cover injury to clients and guests.

Status: Referred to Assembly Human Services Committee. Will be heard on March 8.

LLP Position: Watch. This could run mom-and-pop daycare centers out of business.

AB 124 (Mervyn Dymally, D—Compton)

Purpose: To require each state agency to establish an equal opportunity program to ensure that the state policy of providing equal access to state jobs, work assignment, training, and other employment-related opportunities for all qualified job applicants and employees—based on merit and nondiscrimination in every aspect of personnel policies and employment practices—is fully implemented. It would require the State Personnel Board to collect employment data based on race, ethnicity, and gender.

Status: Referred to Assembly Public Employees and Social Security Committee. No hearing date set yet.

LLP Position: Support.

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AB 172 (Wilma Chan, D–Oakland)

Purpose: To state the intent of the legislature to establish voluntary preschool programs for all children.

Status: Introduced. **LLP Position:** Support.

AB 237 (Juan Arambula, D–Fresno)

Purpose: Existing law requires the Department of Housing and Community Development to make grants or loans to local public entities, nonprofit corporations, and limited partnerships for the construction or rehabilitation of housing for agricultural employees and their families. Existing law also requires that grants and loans be matched by the grantee with at least equal amounts of federal moneys, other cash investments, or in-kind contribution. This bill would authorize the department to forgive a loan if it determines that forgiveness is necessary to the financing or continued viability of housing pursuant to this program. It would also authorize the department to waive the matching requirement for migrant housing funded by specified bond funds if the department finds that the waiver is necessary to ensure that the housing can be financed.

Status: Introduced. **LLP Position:** Support.

ACA 6 (Mark Wyland, R–Vista)

Purpose: To amend the state constitution to prohibit the state from issuing any driver's license or state identification card, providing in-state tuition or fees for postsecondary education, granting any voting privileges, or providing any health, social, or other state or local public benefit to any person who is neither a citizen of the United States nor any alien lawfully present in the United States, unless the privilege, service, or the benefit is required by federal law.

Status: Introduced. **LLP Position:** Oppose.

ACAX1 4 (Rick Keene, R–Chico)

Purpose: To amend the state constitution to require that reductions be imposed automatically on all General Fund appropriations enacted on or before the date of a proclamation by the governor that the state's income and expenses are significantly out of balance. The amounts of the cuts would be by a percentage estimated by the Director of Finance to cause total General Fund appropriations not to exceed General Fund revenues by the end of that fiscal year. The cuts would go into effect 45 days after the proclamation unless state legislators pass legislation to address the problem prior to that 45-day deadline.

Status: Introduced.

LLP Position: Oppose. Arbitrary, statewide cuts to all programs could be devastating to vital programs.

ACR 3 (Rebecca Cohn, D–Campbell)

Purpose: To proclaim May 2–8, 2005, as California Holocaust Memorial Week and urge Californians to observe these days of remembrance for the victims of the Holocaust in an appropriate manner. **Status:** Introduced. **LLP Position:** Support.

ACR 10 (Judy Chu, D–Monterey)

Purpose: To declare February 19, 2005, as a Day of Remembrance in order to increase public awareness of the events surrounding the internment of Americans of Japanese ancestry during World War II, and to encourage the annual observance of this day in subsequent years so that children in California may learn from our history.

Don't Let THEM Change OUR Constitution!

The Elections Committee of the County of Orange (ECCO) is a **combined Federal and State Political Action Committee** that champions issues important to the GLBT community.

Join us as we financially assist federal and state representatives, candidates, and organizations from Orange County and Long Beach that will defend the U.S. Constitution from the Federal Marriage Amendment.

ECCO supports the Lambda Letters Project

ECCO is a non-partisan Gay, Lesbian, Bisexual, Transgender, HIV/AIDS, and Women's Political Action Committee.

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Legislative Update

Continued from page 7

Status: Awaiting a final vote on the Assembly floor.

LLP Position: Support.

AJR 1 (Rudy Bermudez, D-Bellflower)

Purpose: To memorialize the president and Congress to urge the Citizens' Stamp Advisory Committee and the United States Postal Service to issue a commemorative stamp to honor Dr. Dalip S. Saund, an outstanding immigrant from India. This bill would encourage Californians to celebrate his birthday each year.

Status: Introduced. **LLP Position:** Support.

AJR 2 (Noreen Evans, D-Santa Rosa)

Purpose: To memorialize the president and Congress to honor the contributions of Filipino-American war veterans and direct the federal government to immediately pay promised veterans' benefits as the first order of business of the 109th Congress.

Status: Referred to the Assembly Veterans Affairs Committee. No hearing date set yet. **LLP Position:** Support.

SB 19 (Deborah Ortiz, D-Sacramento)

Purpose: To establish the California Pharmacy Assistance Program (Cal Rx). This bill would require the program to negotiate drug rebates with drug manufacturers in order to provide low-cost drugs to people on limited incomes but who have too much income to qualify for Medi-Cal. The program may be run by the state or a third-party vendor. This bill would establish a program for pharmacists or drug manufacturers to sell discounted drugs to California Rx participants.

Status: Referred to the Senate Health Committee. No hearing date set yet. **LLP Position:** Support.

SB 23 (Carole Migden, D-San Francisco)

Purpose: To require the Employment Development Department to send informational brochures on the Healthy Families and Medi-Cal programs to employers for distribution to their employees. This bill would establish a system to allow employees to have the family contribution payments for healthcare coverage under the Healthy Families Program deducted from the employee's pay and transmitted to the state. Would require the state to do outreach and marketing on the Healthy families program and Medi-Cal to enroll more qualified participants.

Status: Referred to the Senate Banking Committee. No hearing date set yet. **LLP Position:** Support.

SB 24 (Deborah Ortiz, D-Sacramento)

Purpose: To require each private hospital to develop a written reduced-cost, charity care policy and application form and to provide these to patients. This bill would also limit debt collection activities of the hospital during the first 150 days after discharge of the patient.

Status: Referred to the Senate Health Committee and then to the Senate Judiciary Committee. No hearing date set yet.

LLP Position: Support.

SB 26 (Dennis Hollingsworth, R-Temecula)

Purpose: To reduce state income taxes, effective January 1, 2003. This bill would eliminate them entirely beginning January 1, 2007.

Status: Referred to the Senate Revenue and Tax Committee. No hearing date set yet.

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LLP Position: Oppose. This bill would devastate the state's public health and social services programs.

SB 60 (Gilbert Cedillo, D-Los Angeles)

Purpose: To allow certain undocumented immigrants to obtain drivers licenses in California. Applicants would have to provide proof of identity and a full set of finger prints. The finger prints would be submitted to law enforcement agencies to determine if the applicant had a criminal record. The fingerprints would not be submitted to the Immigration service. People with criminal records would be denied a license. Commercial drivers licenses would not be available to undocumented immigrants.

Status: Referred to the Senate Transportation Committee. No hearing date set yet. **LLP Position:** Support.

SB 100 (Richard Alarcon, D-Van Nuys)

Purpose: California ranks 51st among the states and the District of Columbia in the level of reimbursement per Medi-Cal payment to healthcare providers. This bill would state the legislature's intent to increase the payment rate for Medi-Cal.

Status: Introduced. **LLP Position:** Support.

SB 112 (Deborah Ortiz, D-Sacramento)

Purpose: The state Department of Social Services distributes funds from the federal Refugee Act of 1980 to the counties in California. These funds pay for employment-related and English language training programs to immigrant refugees in those counties. Currently the money is divided up by percentages of refugees on public assistance in each county. If 10% of the refugees statewide, who are on public assistance, live in County A, County A gets 10% of the funds. This bill would make the division of funds based on the percentage of all refugees in a county, whether or not on public assistance, the determining factor on how much of the money each county gets.

Status: Introduced. **LLP Position:** Support.

SB 131 (Wes Chesbro, D-Santa Rosa)

Purpose: Existing law provides that federally qualified health center services and rural health clinic services are covered benefits under the Medi-Cal program. These provisions require that these care providers be reimbursed on a per-visit basis. However, they may elect to have pharmacy or dental services reimbursed on a fee-for-service basis. This bill would allow these care providers to be reimbursed on a fee-for-service basis for inpatient cardiology or inpatient obstetrical services. The bill requires the state to get federal approval of this change.

Status: Introduced. **LLP Position:** Support.

Women's Issues

AB 8 (Rebecca Cohn, D-Campbell)

Purpose: To require most health insurance plans to provide a minimum of 48 hours of inpatient care for a mastectomy and 24 hours of inpatient care for a lymph node dissection for the treatment of breast cancer, unless the physician, surgeon, and patient determine that a shorter period of inpatient care is appropriate. The bill would also require coverage to be provided for a follow-up visit with a licensed healthcare professional within 48 hours of the patient's discharge from inpatient care.

Status: Referred to the Assembly Health Committee. No hearing date set yet. **LLP Position:** Support.

AB 21 (Lloyd Levine, D-Van Nuys)

Purpose: To prohibit a pharmacist from declining to dispense a contraceptive or emergency contraceptive.

Status: Introduced. **LLP Position:** Support.

AB 59 (Rebecca Cohn, D-Campbell)

Purpose: To provide significant sentence enhancements for domestic violence committed when the accused knew that a child under the age of 18 was present.

Status: Referred to the Assembly Public Safety Committee. No hearing date set yet. **LLP Position:** Support.

AB 70 (Bill Maze, R-Visalia)

Purpose: To require the Department of Motor Vehicles to provide a new set of license plates to a registered owner of a vehicle who provides certain evidence of having been the victim of rape or sexual battery.

Status: Referred to Assembly Transportation Committee. No hearing date set yet. **LLP Position:** Support.

AB 96 (Rebecca Cohn, D-Campbell)

Purpose: To add payment of any court-ordered child support as a condition of probation for domestic violence.

Status: Referred to the Assembly Public Safety Committee. No hearing date set yet. **LLP Position:** Support.

AB 99 (Rebecca Cohn, D-Campbell)

Purpose: To provide that restraining orders issued in domestic violence cases may have a duration of not more than 10 years (up

Continued on page 10



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Legislative Update

Continued from page 9

from three years in current law) by the discretion of the court.

Status: Referred to the Assembly Judiciary Committee for a hearing on February 22. **LLP Position:** Support.

AB 102 (Rebecca Cohn, D-Campbell)

Purpose: To require the presiding judges of the family, criminal, and juvenile courts of each county to create a jointly written protocol to allow these courts to jointly assess and produce a recommendation that a defendant or ward be designated as dual status, permitting the courts to access all background information on the defendant or ward held by any of these court systems. The purpose is to allow for a coordinated approach when more than one court is dealing with a situation such as a domestic violence case.

Status: Referred to the Assembly Judiciary Committee for a hearing on February 22. **LLP Position:** Support.

AB 106 (Rebecca Cohn, D-Campbell)

Purpose: To require the courts of each county to establish a one-time amnesty program for fines, bail, and other monetary obligations that were imposed in domestic battery cases, and that have been delinquent for not less than six months as of January 1, 2006. It would provide that the amount scheduled by the court be 70% of the total fine, bail, or monetary obligation (or \$500) and would set forth other parameters of the amnesty program.

Status: Referred to Assembly Public Safety Committee. No hearing date set yet. **LLP Position:** Support.

AB 112 (Rebecca Cohn, D-Campbell)

Purpose: To require the court, prior to the modification of a protective order, to confirm the identity of the party petitioning for the modification. Sometimes a friend of a domestic abuser poses as the victim and asks the court to modify or end a protective order.

Status: Referred to Assembly Judiciary Committee. No hearing date set yet. **LLP Position:** Support.

AB 114 (Rebecca Cohn, D-Campbell)

Purpose: To provide that when a defendant is accused of child abuse in a criminal action, evidence of the defendant's prior acts of domestic violence may be admitted to prove the defendant's conduct.

Status: Referred to Assembly Public Safety Committee. No hearing date set yet. **LLP Position:** Support.

AB 169 (Jenny Oropeza, D-Carson)

Purpose: To increase the penalties for employers who pay women less than men for the same work and to mandate the types of damages employees should recover if they are successful in bringing a civil action against their employer for willful violations of pay equity law.

Status: Referred to Assembly Labor and Employment Committee for a hearing on March 3. **LLP Position:** Support.

AB 190 (Gloria Negrete McLeod, D-Montclair)

Purpose: To allow taxpayers to designate on their tax returns that a specified amount in excess of their tax liability be transferred to the California Sexual Violence Victim Services Fund, which would be created by this bill. However, the bill would provide that a voluntary contribution designation for this fund may not be added on the tax return until another voluntary contribution designation is removed from

that return.

Status: Referred to Assembly Revenue and Tax committee for a hearing on February 28.

LLP Position: Watch with concern that another valuable program, to which voluntary contributions can be made, may be removed from the list on the tax return.


ACR 2 (Rebecca Cohn, D-Campbell)

Purpose: To proclaim the month of October 2005 as Domestic Violence Awareness Month.

Status: Introduced. **LLP Position:** Support.

AJR 3 (Rebecca Cohn, D-Campbell)

Purpose: To petition the president and Congress to protect and uphold the intent and substance of the Supreme Court decision in *Roe v. Wade*, relating to reproductive rights, and to encourage all Americans to participate in the national celebration, "The March for Women's Lives," in recognition of that decision's historic importance in promoting women's rights.

Status: Approved by the Assembly. Not referred to a Senate Committee yet. **LLP Position:** Support. 

Discrimination Among Us

Recently the National Gay and Lesbian Task Force (NGLTF) released a survey which found considerable discrimination against Asian and Pacific Islanders within the LGBTI community. LLP has found similar evidence of bias against people of color (POC). Almost every month we receive fewer signed letters on our POC (or women's) issues than our LGBTI or AIDS issues. We also get fewer responses to our e-mail alerts when they concern POC or women's issues.

The study reveals that 82% of LGBTI Americans whose background is from the Pacific Rim experienced discrimination based on their sexuality over the past 12 months. The same percentage experienced discrimination based on their race or ethnicity. The 124 study participants were drawn from the pool of attendees at the March 2004 Queer Asian Pacific Legacy regional conference at New York University. In addition to finding that discrimination against gay APAs was widespread, the study found that the three most important issues facing the APA LGBTI community were immigration, hate violence/harassment, and media representation. Nearly all respondents (96%) agreed that homo- or transphobia is a problem within the APA community. Over 80% agreed that APA LGBTI people experience racism within the predominantly white LGBTI community. The majority of respondents also said that LGBTI organizations inadequately address issues of race (58%), class (80%), and disability (79%).

(We gratefully acknowledge that the information in this article was forwarded to us by Love Sees No Borders.) 